

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

HENRY BOYD,

Plaintiff,

v.

Hon. Hugh B. Scott

06CV520A

Order

WYOMING COUNTY, et al.,

Defendants.

This is a continuation of Orders filed dealing with pre-service discovery to learn the identities of John Doe Defendants named by plaintiff (see Docket Nos. 11, 16). In these Orders, defendant Superintendent James Conway (“defendant”) was ordered to produce to plaintiff logs of the Attica Correctional Facility Mental Health Unit for May 1 to June 1, June 13 to 20, 2005, during the 3 to 11 pm shift (Docket Nos. 11, 16). Defendant, who almost simultaneously moved to dismiss the Complaint (Docket No. 9), served copies of log entries for those dates and shifts for the Attica Correctional Facility Special Housing Unit (Docket No. 14, Def. Atty. Decl. ¶ 2, Ex. A). The second Order compelled defendant to produce the Mental Health Unit logs as well as define certain terms used in the produced Special Housing Unit logs.

Plaintiff now sent a letter to the Court (dated December 15, 2007, received December 19, 2007, and filed by the Court, Docket No. 19), enclosing plaintiff’s correspondence with the Chief of the Forensic Unit at the Attica Correctional Facility. It appears that plaintiff was in the Mental Health Unit on **March 2, 2005**, rather than May or June 2005 as plaintiff previously alleged

(Docket No. 19; cf. Docket No. 1, Compl., 1st Claim “Approx. May or June 2005”), the date range the Court relied upon to compel this pre-service disclosure from defendant. Plaintiff now seeks the Mental Health Unit logs for March 2, 2005, during the 3 to 11 pm shift (Docket No. 19).

Consistent with Valentin v. Dinkins, 121 F.3d 72, 76 (2d Cir. 1997) and this Court’s prior Orders, defendant **is ordered** to produce to plaintiff (and file with the Court as discovery in a pro se case, see W.D.N.Y. Loc. Civ. R. 7.1(a)) copies of the Attica Correctional Facility Mental Health Unit logs for **March 2, 2005**, for the 3-11 pm shift, with redactions of the names of other inmates as was done with produced logs for the Special Housing Unit (compare Docket No. 14, Def. Atty. Decl. Ex. A). Plaintiff then must file his third Amended Complaint, naming the John Doe Defendants (if possible), within **thirty (30) days** of receipt of this production. The Court continues to hold in abeyance defendant’s pending motion to dismiss (Docket No. 9) pending resolution of this pre-service discovery issue.

So Ordered.

/s/ Hugh B. Scott
Honorable Hugh B. Scott
United States Magistrate Judge

Dated: Buffalo, New York
December 21, 2007